IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

NICK AGAPOV, et al.,

Plaintiffs,

V.

PRINCE GEORGE'S COUNTY, MARYLAND, et al.

Defendants.

CIVIL ACTION NO.: 8:23-CV-03191

PLAINTIFFS' MOTION TO STIKE THE ANSWER FILED BY DEFENDANTS

NOW COMES the Plaintiffs, by and through their attorney Ray M. Shepard and The Shepard Law Firm and pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, hereby files this Motion to Strike the Answer filed by Defendants on February 5, 2024 [ECF Doc. #13]. In support of their motion, Plaintiffs state as follows:

- 1. On November 27, 2023 Plaintiffs filed a ninety-one-page complaint [ECF Doc. #1].
- 2. Because of the length of the Complaint, this Court ordered the Complaint stricken and granted Plaintiffs additional time to file an Amended Complaint that complied with the fortypage limit set by Local Rule 103.1(d). *See* ECF Doc. #10.
- 3. On December 13, 2023, this Court granted Plaintiff's motion to exceed the page limits in Local Rule 103.1(d) and restricted the complaint to 60 pages. *See* ECF Doc. #11.
 - 4. Plaintiffs filed a 59-page Complaint on December 14, 2023 [ECF Doc. #12].
- 5. The 59-page Complaint was included in the service package, along with copies of ECF Doc. Filings #7 (motion to exceed page limit), 9 (Case Management Order), 10 (Order

Striking the ninety-one-page complaint), 11 (Order granting leave to exceed page limit), and (12 the operative 59-page Complaint).

- 6. On February 5, 2024, all defendants jointly filed an Answer [ECF Doc. #13].
- 7. The Answer clearly is responding to the stricken Complaint [ECF Doc. #1], and not to the operative Complaint [ECF Doc. #12].
- 8. For example, the Answer states: "Paragraph 31 states Plaintiffs are pursuing Federal claims pursuant to 28 U.S.C. Section 1331 and 42 U.S.C. 1983 and requires no answer," "Paragraph 32 states that this Court has supplemental jurisdiction over State Constitutional and common law claims pursuant to 28 U.S.C. 1391(b) and requires no answer," and "Paragraph 33 states than venue is proper pursuant to 28 U.S.C. 1391(b) and requires no answer." *See* Answer at ¶¶ 31-33.
- 9. The statutory references cited in the previous paragraph correspond to the jurisdiction and venue allegations in the original stricken Complaint. *See* ECF Doc. #1 at ¶¶ 31-33.
- 10. In the active Complaint [ECF Doc. #12], the jurisdiction and venue allegations appear in paragraphs 17-18. *See* ECF Doc. #12 at ¶¶ 17-18.
 - 11. The Answer filed by Defendants Answers the wrong Complaint.

WHEREFORE, the Answer filed by Defendants on February 5, 2024 should be stricken pursuant to Rule 12(f) and the Defendants should be directed to Answer the operative Complaint, which is ECF Doc. #12.

February 7, 2023

Respectfully Submitted,

/s/Ray M. Shepard

Ray M. Shepard, Bar No. 09473 The Shepard Law Firm, LLC 122 Riviera Drive Pasadena, Maryland 21122

Phone: 410-255-0700 Facsimile: 443-773-1922 Email: Ray@Shepard.Law

Attorney for Plaintiffs